

Docket No: 3140-25A  
File No: 1159.41346CP6  
Client No: MERL-1197-CIP



PATENT

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: YERAZUNIS et al.

Serial No: 09/150,360

Filed: September 9, 1998

For: VIDEO RECORDING DEVICE FOR TARGETING WEAPON

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Group Art Unit: 2623:

Examiner: V. Le

**COMMUNICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

November 29, 2005

Sir:

The Appeal Brief filed on November 28, 2005, in connection with the above-identified application, inadvertently did not include Appendix B and Appendix C.

Accordingly, please find attached to this Communication, Appendix B and Appendix C and please attach these Appendixes to the Appeal Brief filed on November 28, 2005.

- Respectfully Submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

By

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**APPENDIX B OF PREVIOUSLY ENTERED AFFIDAVITS AND/OR DECLARATIONS**

NONE

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**APPENDIX C OF BPAI AND FEDERAL COURT DECISIONS IN RELATED  
PROCEEDINGS**

A prior appeal was remanded by the Board of Patent Appeals and Interferences, in a decision documented in the Remand of Appeal issued on December 19, 2003. The prior appeal requested that the Board review an earlier rejection of all the currently pending claims of the present application. The decision of the Board in the prior appeal found that the Examiner's Answer filed in that appeal failed to comply with MPEP 1208, and accordingly requested that the Examiner prepare a substitute Answer. The decision also concluded that the application is "special" and requires immediate action.